

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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NICOLE HABERLE,  
in her own right, on behalf of her two minor  
children, and as administrator for  
the Estate of Timothy Nixon, deceased,

Plaintiff,

v.

No. 5:15-cv-02804

OFFICER DANIEL TROXELL;  
MAYOR CARL STYRE;  
PRESIDENT DAN CHIAVAROLI;  
VICE-PRESIDENT LARRY STOUTD;  
COUNCIL MEMBER JOHN SAMUS;  
COUNCIL MEMBER MICAEL KOPACH;  
COUNCIL MEMBER FRANK MAUREK;  
COUNCIL MEMBER CHARLES DONELLO;  
COUNCIL MEMBER CARL FISCHL;  
JOHN/JANE DOE POLICE STAFF #1-X;  
THE BOROUGH OF NAZARETH,

Defendants.

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**ORDER**

AND NOW, this 29<sup>th</sup> day of March, 2016, for the reasons set forth in the accompanying Memorandum Opinion, **IT IS ORDERED** that Defendants' Motion to Dismiss Plaintiff's Amended Complaint, ECF No. 18, is **GRANTED**. The Clerk of Court shall close this case.<sup>1</sup>

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge

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<sup>1</sup> Plaintiff has not requested leave to amend, nor suggested the existence of any allegations not contained in the Amended Complaint. While leave to amend must be afforded even when not requested, see Phillips v. Cty. of Allegheny, 515 F.3d 224, 245 (3d Cir. 2008), that is not the case when amendment would be futile. For the reasons set forth in the Memorandum Opinion, the deficiencies in Plaintiff's claims could not be cured by amendment.